

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
U.S. Probation / Pretrial Services**

Myron L. Smith
Chief U.S. Probation Officer

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March 12, 2009

Honorable Jimm Larry Hendren
Chief U.S. District Judge
John Paul Hammerschmidt Federal Building
35 East Mountain Street, Suite 559
Fayetteville, Arkansas 72701

**RE: ANDERSON, Rachel Suzanne
Dkt. #5:02CR50046-002
Report of Violation**

Dear Judge Hendren:

This letter is to report a violation of conditions in the case of the above-named offender. Rachel Suzanne Anderson was sentenced by Your Honor on July 31, 2003, for one count of False Statement on Bank Loan Application; Aiding and Abetting (Case #5:02CR50046-002) and one count of Possessing and Uttering Forged Counterfeit Securities; Aiding and Abetting (Case #5:02CR50074-001). Anderson was sentenced as follows: 8-months BOP custody on each count, terms to run concurrently, 5-years supervised release on Case #5:02CR50046-002 and 3-years supervised release on Case #5:02CR50074-001, terms to run concurrently; financial disclosure condition, \$198,166.86 (\$166,166.86-Case #5:02CR50046-002 and \$32,000-Case #5:02CR50074-001) restitution to be paid in amounts not less than \$200 per month, and \$200 (paid) special assessment fees. Supervision commenced on April 15, 2004 in the Western District of Arkansas, Fayetteville Division. On April 14, 2007 the term of supervision in Case #5:02CR50074-001 expired with an outstanding restitution balance. However, restitution payments toward the total amount ordered continued to be collected in Case #5:02CR50046-002.

The purpose of this letter is to inform the Court that the offender will not be able to pay the restitution in Case #5:02CR50046-002 in full prior to the completion of supervised release which is scheduled to expire on April 14, 2009. The offender has continued to make monthly payments of \$200 since June 2004 and to date has paid a total of \$11,200. There is a remaining restitution balance of \$187,116.86. Additionally, restitution was ordered joint and several with Bruce Steven Martin, Case #5:02CR50046-001, that was transferred to the Northern District of Texas as a Rule 20, and re-filed in that jurisdiction as Case #3:03-CR-273-P. Northern District of Texas records revealed Bruce Steven Martin's term of supervised release was revoked for non-compliance, including his failure to pay toward ordered restitution, and he was ordered returned to prison. Upon release from imprisonment, Martin is ordered to continue payments toward restitution.

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Provided this meets with the Court's approval, our office respectfully requests the term of supervised release in Case #5:02CR50046-002 be allowed to expire as scheduled. Ms. Anderson maintains a willingness to continue restitution payments and understands the U.S. Attorney's Office will pursue collection on this financial obligation after the expiration of the defendant's term of supervision.

Should Your Honor require further information, please advise.

Respectfully,

Michael K. Scott
U.S. Probation Officer

Reviewed by

William E. Dunn, Jr.
Supervising U.S. Probation Officer

Allow Supervised Release Term to Expire

Submit Petition for Violation

Other _____

3/16/09

Honorable Jimm Larry Hendren
Chief U.S. District Judge

Date

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

MAR 16 2009

CHRIS R. JOHNSON, CLERK

BY *Chris R. Johnson*
DEPUTY CLERK